

A justice system should produce justice

Written by Meryl Abe

The 13th Amendment is taught in American schools as the end of something. The end of slavery, the end of legal bondage, the beginning of a new chapter. What does not make it into most textbooks is the clause tucked into the amendment's text: "except as a punishment for crime." Six words that created a loophole large enough to swallow generations of people whole.

I did not learn this in school. I learned it from *American Prison* by Shane Bauer, a journalist who went undercover as a guard in a private prison and documented what he found. Reading his account for the first time, I felt the particular discomfort of realizing that something I had never thought much about was actually something I should have been thinking about my entire life. Private prisons in this country are a for-profit industry, and like any industry, they require a product. The product, in this case, is human beings. The more people incarcerated, the more revenue generated, which means the financial incentives of the system actively work against rehabilitation, against second chances, against the basic premise that a justice system should try to produce justice.

The United States incarcerates more people per capita than any other country on earth. That fact sits alongside another one: the communities most affected by mass incarceration are the same communities that have been most targeted by discriminatory policing, under-resourced schools, and policies that have concentrated poverty across generations. A system that consistently produces these outcomes and calls itself a justice system is using the word incorrectly.

Bryan Stevenson has spent his career making that argument in courtrooms, and it has cost him. When he founded the Equal Justice Initiative in Alabama in 1989, he and his staff received death threats for representing people on death row, many of them wrongfully convicted. He took those cases anyway, in the Deep South, at a time when that work was not just difficult but dangerous. He has argued before the Supreme Court and won rulings that banned mandatory life sentences without parole for children and protected prisoners with dementia from execution. He has won relief for over 140 wrongly condemned people on death row. None of that happened because it was easy or safe. It happened because he decided that proximity to the people the system had failed was more important than his own comfort, and he built a career around that decision.

What Stevenson understood, and what I have come to understand through my own much smaller work, is that justice cannot be abstract. It has to attach to specific people in specific

circumstances or it means nothing. That is the lesson that pushed me from reading about the issue to trying to do something about it.

For my Capstone Project, I built an advocacy website connecting people on the outside with incarcerated individuals through pen pal correspondence. The goal was simple: to make the humanity inside those facilities visible to people who had no reason to think about it otherwise. I researched the issue, spoke with professionals working in criminal justice reform, and built the site with the intention that it would actually reach people. My friends told me it changed how they thought about incarceration, which was the point. Some of the incarcerated women who received letters said that reading them made their days better. That matters. It also is nowhere near enough.

What a pen pal program cannot do is change a sentencing structure. It cannot challenge a law that allows prison labor to go uncompensated. It cannot close a facility that profits from keeping people locked up as long as possible. It cannot address the fact that public defenders in most of this country carry caseloads so heavy that meaningful representation becomes almost impossible, meaning people accept plea deals for things they did not do because waiting for a trial is too uncertain and too slow. Justice requires all of those things, and they require people willing to work on them for decades.

My internship with a state representative showed me how law can move against that current. Watching legislators work on criminal justice policy in Massachusetts, I saw how much depended on who was in the room and what arguments they were prepared to make. Policy changes when enough people with enough knowledge push for it consistently. That is not idealism. That is how it has worked every time something in this area has actually shifted.

What I want to do with my education is prepare to be one of those people. Civil rights law, specifically in the criminal justice context, is where I intend to put my career. Not because it is the most comfortable path or the most financially stable one, but because the gap between what the system is and what it should be is large enough that it needs everyone it can get. Bryan Stevenson chose the hardest cases in one of the hardest places to do this work because he believed the work was worth doing well. That example matters to me more than most things I have encountered.

I also know that justice is personal in ways that policy does not always capture. The women who said reading a letter brightened their day are not statistics. They are people in a system that has largely decided they do not deserve to be treated as such. Every letter they received was a small argument against that premise. Small arguments add up, but only if people are also making the large ones simultaneously.

I take pride in what the Capstone Project has done, and I know it is a beginning. The bake sale I helped organize to help cover medical costs for immigrant children in my community was a beginning too. These things matter. They also exist inside a larger structure that will keep producing the same outcomes until the structure changes. Working toward that change, over a long career, in courtrooms and legislatures and law schools, is what I am working toward. The six words in the 13th Amendment created a door that has been open for over 150 years. I want to spend my life helping to close it.